
City of Seattle



Civil Service Commission 2004 Annual Report

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John Cunningham, Commissioner
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Your Seattle Civil Service Commission



City of Seattle of Seattle Charter established the Civil Service Commission in 1979.
The Commission profile is:

				(1)	(2)	(3)	(4)	(5)
<u>Men</u>	<u>Women</u>	<u>Vacant</u>	<u>Minority</u>	<u>Asian</u>	<u>Black</u>	<u>Hispanic</u>	<u>Native American</u>	<u>Other</u>
2	1				1			

The profile of the Commission's Hearing Examiners is:

				(1)	(2)	(3)	(4)	(5)
<u>Men</u>	<u>Women</u>	<u>Vacant</u>	<u>Minority</u>	<u>Asian</u>	<u>Black</u>	<u>Hispanic</u>	<u>Native American</u>	<u>Other</u>
2	1			1				

**The Seattle City Council appointed Ellis Casson to a second term in December. His new term is from January 2004- December 2007. The Commission also re-elected Commissioner Casson as Chair for 2004.*

CITY OF SEATTLE CIVIL SERVICE COMMISSION 2004 ANNUAL REPORT

INTRODUCTION

The Seattle Civil Service Commission serves City employees. The City of Seattle established the Commission by a charter amendment in 1979. Article XVI, Sections 3, 4, 5 and 6 of the City's Charter describe the duties and responsibilities of the Civil Service Commission (CSC).

WHO ARE WE?

The Commission is a three member, impartial, quasi-judicial body. The Mayor and the City Council each appoint a member to the Commission and the City's Civil Service employees elect a member. Each Commissioner serves a three-year alternating term. Each year one Commissioner's term expires and a new Commissioner is appointed, elected, or has a term renewed. An Executive Director and an Administrative Staff Assistant support the Commission and manages the daily operations of the Commission's office.

OUR MISSION

THE COMMISSION HAS THREE PRIMARY PURPOSES. TO:

- timely review employee appeals regarding disciplinary actions and the other decisions related to the administration of the City's Personnel system,
- provide timely and valuable input on personnel rules and legislation, and
- ensure that the City's personnel system is administered in a fair and effective manner.

WHAT WE DO?

The Commission hears appeals filed by civil service employees from all City departments. Departments may also file appeals with the Commission. Union and non-union employees may use services provided by the Commission. The Civil Service Commission's hearing and appeal process encourages employees and departments to resolve disagreements over personnel actions and decisions. The Commission may hear an appeal or it may delegate an appeal hearing to a Hearing Examiner, Pro-Tem (Hearing Officer) or the Office of the City's Hearing Examiner. The Commission votes to affirm all decisions issued under its name.

The Commission also reviews all proposed programs, policies, rules and legislation, relating to the City's Personnel system. In addition, the Commission is responsible for investigating charges of undue influence in the hiring process, by elected officials or their staff. The Commission monitors disciplinary actions, including maintaining records on the number of disciplinary actions taken in the City and tracks changes in the status of City jobs and position from exempt, to non-exempt. The Commission also tracks and compares this data, and other relevant data that can provide information on personnel practices and activities. The Commission reviews and discusses this information at its annual retreat, and may decide to take action based on its insights.

The Commission stays abreast of changes in personnel practices and trends. Commissioners and staff attend annual statewide training on Commission practices and employment law. In addition, the Commission holds an annual retreat. At this retreat, the Commission reviews its activities for the previous year, re-examines its rules and practices, and sets goals for the upcoming year. The retreat may also include training for the Commissioners on topics and issues relevant to their work.

THE COMMISSION FULFILLS ITS RESPONSIBILITY BY:

- conducting fair, impartial and timely hearings on employee appeals involving the administration of the City's personnel system. Employees who are members of the civil service may appeal personnel actions such as demotions, suspensions and terminations, or alleged violations of the City's Personnel Ordinance and its related rules, policies and guidelines.
- rendering decisions on employee appeals, related to personnel actions. The Commission may also issue remedial orders, on disciplinary actions and personnel decisions. It also has the power and authority to reinstate employees, and introduce legislation for lost wages and benefits.
- monitoring the administration of the City's personnel system. The Commission reviews and may provide comment and feedback on all proposed personnel ordinances, rules, policies and guidelines.

- submitting recommendations and propose legislation concerning the administration of the personnel system, to the Mayor and the City Council, if deemed necessary and appropriate.
- conducting investigations and issues findings regarding complaints that the Mayor or other elected official, or a member of their immediate staff has initiated a recommendation regarding a candidate for City employment, or that any person has used inappropriate pressure to effect the hiring of a candidate for City employment.

WHAT TYPES OF ISSUES MAY BE BROUGHT TO THE COMMISSION?

The Commission hears appeals related to disciplinary actions and the interpretation and application of personnel rules, policies and procedures. Appeals of disciplinary actions include:

- Suspensions
- Demotions
- Discharges

Appeals involving personnel rules, policies and procedures, include:

- Classification and/or Compensation
- Work out-of-class
- Overtime
- Promotions
- Employee Evaluations
- Political Patronage or Influence in the Hiring Process
- Alleged violations of the Charter, Municipal Code, Personnel Rules, Policies and Procedures

The Commission does not hear appeals related to

- Salary Determinations
- Discrimination or other Equal Employment Opportunity Issues
- Disciplinary Letters
- Probationary Employment

Employees who are members of a union or covered by a collective bargaining unit may file a grievance through the union or use the appeal process. They may not use both. All employees must first try to resolve the issue of their appeal using the City's departmental grievance process. After that process has been exhausted and the employee receives a determination letter from the Department Head, the employee may file an appeal with the Commission.

2) 2004 WORK OVERVIEW

APPEALS AND HEARINGS- In 2004, twenty-one (23) appeals were before the Commission. This includes sixteen appeals filed in 2004, 6 appeals carried over from 2003 and one appeal from 2002 that Superior Court remanded to the Commission. Seventeen (17) appeals were closed and six (6) appeals carried over into 2005. In addition, two (2) appeals remained in Superior Court. The 2004 Case status report in the appendix (pages 8-13) provides details on each appeal.

DECISIONS AND FINDINGS- The Commission dismisses all appeals upon closure. The Commission will dismiss an appeal by request of the appellant, for jurisdictional issues and for timeliness. The Commission will also dismiss an appeal after the Presiding Officer has issued findings and a decision. In 2003, seven appeals were dismissed upon request of the appellant. An appellant may withdraw an appeal, for personal reason or after reaching a settlement with the department. The Commission also dismissed one appeal because it was not filed within the required time-period and three appeals because they were not within its jurisdiction.

In addition to dismissal orders at the closure of an appeal, the Commission issues findings and decisions. Commission decisions are the City's final decision regarding an appeal. Final decisions of the Commission and their associated findings establish precedent. If the Commission does not hear an appeal, it votes to affirm the findings and decision. In 2004, the Commission issued six such decisions, two by a Hearing Examiner, Pro-Tem, three from the Office of the Hearing Examiner and one from the Commission.

COMMISSION RULES OF PRACTICE AND PROCEDURES-The Commission adopted revised *Rules of Practice and Procedures*, at its April 28, 2004 meeting. The new rules included minor changes, clarified roles and responsibilities and simplified the language. The new rules were open for public comment during the first quarter of 2004. Every City department also received a copy of the proposed rules for comment and the Commission posted the proposed rules on its web site, for review and comment. The Commission adopted its previous set of rules of practice and procedure, on December 20, 2002

Annual Report- The Commission published its first annual report in five years, in 2004. All City departments, the Mayor and the City Council, received copies of the annual report. The report was posted on the Commission's City web page, as well as produced in booklet format. Several departments commented that they appreciated receiving the report, and that the information in the report was informative.

FORM REVISIONS, BROCHURES AND OTHER DOCUMENTS-To improve efficiency and make the appeal process understandable and easy to navigate, the Commission began revising and creating new forms and documents. The Commission revised the Notice of Appeal form and added a Petition for Review form. Appellants may use the Petition form when asking the Commission to review a decision of a Presiding Officer. These forms are available on line and in the Commission's office. Brochures were also updated.

PUBLIC HEARINGS-The Commission's responsibilities include overseeing the administration of the personnel system. This may include seeking comment on personnel processes and systems. In 2004, the Commission took comments and held public hearings on the following issues:

- Grievance Procedure changes for represented employees, City of Seattle Ordinance Number 120936, (pages 11 and 12 in the Appendix.)
- A process for appeals filed by a sitting Commissioner
- The Commission Rules of Practice and Procedures
- The use of City attorneys, by departments in appeals when the City employee filing the appeal is not represented by an attorney (pro-se)

These hearings resulted in setting up a practice for better managing specific appeals, including appeals involving pro-se employees, assessing hearing examiner's practices and styles, and a letter to the City Attorney, highlighting concerns about hearings that involve City departments who have legal representation, when the employee filing the appeal does not.

CIVIL SERVICE DESIGNATIONS-Another function of the Commission is to stay abreast of the City's designation of positions to exempt or non-exempt status from Civil Service. In 2004, the Personnel Director proposed nine such designations through the Legislative process, via quarterly salary ordinances: two (2) in the fourth Quarter, four (4) in the third quarter, one (1) in the second quarter and two (2) in the first quarter. The specific designations are in the Appendix, on page 13.

DISCIPLINARY ACTIONS BY CITY DEPARTMENTS-The Commission receives and tracks notice of disciplinary actions, from City departments. This includes notices sent to employees stating terminations, suspensions and demotions. The Commission received 68 copies of disciplinary letters from departments, in 2004. (Appendix page 15) Personnel records indicate that departments took 95 disciplinary actions. This represents 72% reporting of these actions by departments to the Commission.

Although required to do so, many departments may not be reporting discharges involving probationary employees, as these employees do not have civil service status. Twenty-four of the reports to Personnel represented actions against probationary employees. If we exclude probationary employees, (although the Commission did receive a couple of probationary notices), departments are copying the Commission on most of their disciplinary action letters (94%).

3) 2004 WORK HIGHLIGHTS

APPEAL PROCESS TIMELINE- The Commission's goal is to resolve appeal issues within 90 days. The Commission reviewed its timeline for appeals in 2004. Commission appeals are heard by the Commission, one of its hired pro-tem Hearing Officers or by the Office of the City's Hearing Examiner. In order to assess the time to resolve an appeal, the Commission considered thirteen appeals that closed in 2004. Reviewing those appeals, 67% of the appeals were resolved within 90 days or 3 months, and the majority of the appeals (83%) were resolved within 6 months. Two appeals were resolved within 11 months. All the appeals considered were resolved within one year.

Many factors can affect how much time it takes for resolution on an appeal, including, using attorneys, parties working towards a settlement, the availability of appellants and witnesses, time needed for discovery, and if a decision review is requested. The Chart below represents the duration for appeals that closed in 2004. (See Appendix, page 10 for more information on those appeals considered.)

APPEALS CONSIDERED IN REVIEW -APPEALS THAT CLOSED IN 2004	APPEALS CLOSED WITHIN 90 DAYS	APPEALS CLOSED WITHIN 180 DAYS	APPEALS CLOSED WITHIN 7-12 MONTHS	APPEALS CLOSED WITHIN 12 MONTHS
13	9	2 (11)	2 (13)	13
% of Total Appeals	69%	16%	16%	100%

THE USE OF CITY ATTORNEYS- In 2004 the Commission reviewed the use of City Attorneys by the departments, when legal council does not represent an employee (pro-se). The Commission's concern is that this may interfere with the perception of a fair and equal process by appellants. To prepare for a public hearing on the issue, Commission staff researched the number of appeals that involved the use of City attorneys representing City departments, when the employee was pro-se.

Staff also reviewed Commission hearings over the past five years and solicited feedback from City employees who had filed appeals with the Commission, City departments, Hearing Officers, the Office of the City's Hearing Examiner, employee representatives- including attorneys, and the City Attorney's Office. Results of part of the review are below. In addition, the appendix includes a Summary of use of City Attorney's by Departments from January 1999-September 2004.

SUMMARY OF USE OF ATTORNEY'S FROM JANUARY 1999-SEPTEMBER 2004

TOTAL NUMBER OF APPEALS FILED FROM JANUARY 1999-SEPTEMBER 2004	CITY ATTORNEY REPRESENTED DEPARTMENT	PRIVATE ATTORNEY REPRESENTED APPELLANT	CITY ATTORNEY – APPELLANT, PRO-SE (NOT REPRESENTED)	APPEALS WITH NO ATTORNEY INVOLVEMENT
106	35	17	19	69
% of Total Appeals	33%	16%	18%	65%

(See Appendix, page 14 for more details)

APPEALS AND HEARINGS- The Commission's primary responsibility is to hear employee appeals involving suspensions, demotions, terminations and alleged violations of the City's Personnel rules and ordinances. Twenty-three appeals were before the Commission in 2004. The Commission received sixteen (16) new appeals. Of those, six involved discharges; six involved alleged violation of Personnel Rules or Ordinances and four involved suspensions.

The Commission may hear appeals or the Commission may delegate the hearing of an appeal to one of its on-call Hearing Officers (Hearing Examiner, Pro-tem) or to the Office of the City's Hearing Examiner. In 2004, the Commission was involved in an appeal filed by a sitting Commissioner. This was a first for the Commission, although the Commission did not hear the appeal, the decisions about the Commission throughout the hearing process made the appeal. The Commission also heard one appeal that was remanded to the Commission from King County Superior Court.

The Commission delegated sixteen appeals. Six appeals went to the Office of the Hearing Examiner and ten appeals went to the Commission's on-call Hearing Officers. (The Commission dismissed one appeal for timeliness and three appeals because of jurisdiction.) If the Commission does not hear an appeal, the Commission reviews the decision of the Hearing Examiner or Officer and votes to accept or reject that decision.

APPEAL DECISIONS

- The Commissions Hearing Examiner's, Pro-tem (Hearing Officers) issued two decisions in 2004. One decision involved an employee's right to appeal to the Commission and the second involved an alleged probationary discharge.
- The Office of the Hearing Examiner (Hearing Examiner) issued three decisions. Two decisions involved suspensions and the third involved a promotional exam process.
- The Commission itself issued one decision. The Commission's decision involved probationary status after a reclassification.
- The Commission may also amend a decision issued by the Hearing Examiner or a Hearing Officer. The Commission amended one appeal in 2004.

THE APPEAL PROCESS- The complete appeal process from filing to reaching a decision usually takes 3-6 months (85%). Employees filing appeals must submit a “Notice of Appeal” form, or similar documentation requesting that the Commission assist in settling the dispute. The Commission must receive most appeal notices within twenty days of the personnel action or decision. In the notice, the appellant must:

- State the action or decision being appealed.
- Identify the rule, law, policy or procedure that was violated or misapplied.
- Describe how the action negatively affected the employee.
- Say what is needed to resolve the issue.

If an appeal represents more than one employee, the appellants must identify one employee to represent the group. The Commission received two group appeals.

Appeals usually include at least one pre-hearing conference. The Conference may be held in the Commission’s Hearing room, one of its offices or over the phone. The purpose of the pre-hearing conference(s) is to

- ◆ explain the process and procedures.
- ◆ clarify and simplify the issues in the appeal,
- ◆ set a schedule for gathering materials and identifying witnesses.
- ◆ to set a hearing date.

The Commission is a strong advocate of improved working relations and communication between parties after an appeal filing. Therefore, the Commission is a proponent of the City’s Alternative Dispute Resolution program (ADR). If the parties choose to use the ADR process, the Commission delays the appeal until that process is completed. In 2004, one appeal was settled using the City’s ADR program.

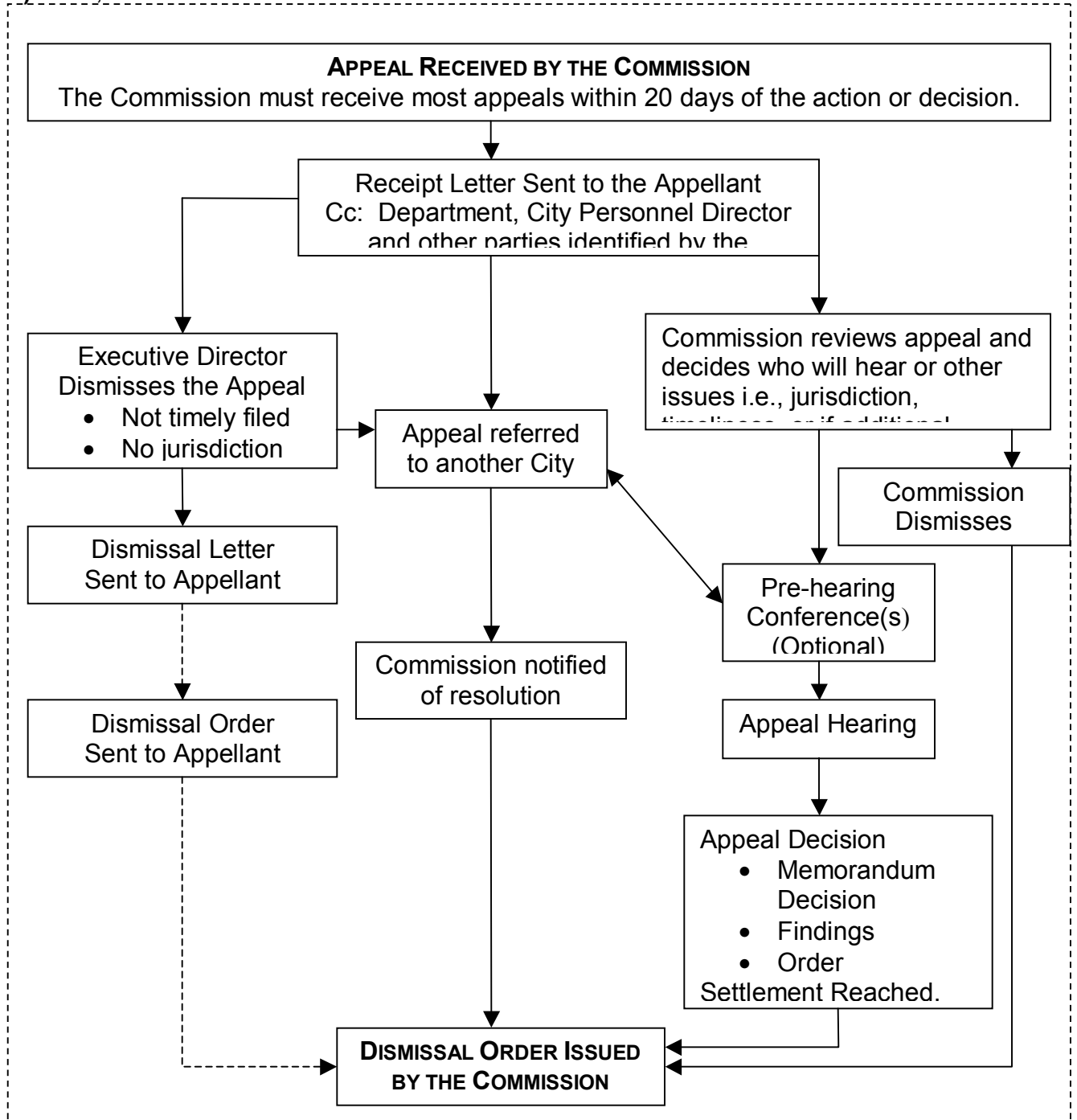
If a Hearing Officer or Examiner hears the appeal, a decision is issued within 15 days of the close of the record. If the Commission hears the appeal, a decision is issued within 90 days of the close of record. The Commission will reconsider an appeal decision for one or more of the following reasons:

- Material Error or Mistake of Fact
- Mistake of Law
- Misapplication of Law, Rule, or Regulation
- Decision fails to do substantial justice
- Decision is based on fraud, mistake, or misconception of facts

The Commission reconsidered one appeal in 2004. Commission’s decisions are final and become the finding of fact, conclusion of law and order of the Commission, fourteen days following the date of the decision. Commission decisions are the final decision of the City, and must be appealed in Superior Court. Currently two appeals are in Superior Court. Records of an employee’s appeal to the Commission are not part of the employee’s personnel file.

4) THE APPEAL PROCESS FLOW CHART

THIS FLOW CHART IS A SIMPLE OVERVIEW OF THE APPEAL PROCESS. THIS CHART DOES NOT INCLUDE A TIMEFRAME, AS THE PROCESS CAN BE SEVERAL WEEKS OR MONTHS. (SEE PAGE 6) ALSO, AN APPEAL MAY BE SETTLED OR DISMISSED AT ANYTIME DURING THE PROCESS.



APPENDIX

APPEAL TIMLEINE-2004

Appeal Filed	Closure	Civil Service Commission or Delegated to the Office of the Hearing Examiner (OHE)	Duration
2-24-04	1-20-05 Dismissed	OHE	11 months
3-4-04	8-24-04 Dismissed	OHE	5 months
3-24-04	11-23-04 Dismissed	CSC	8 months
4-14-04	7-26-04 Dismissed	CSC	90+ days
4-30-04	7-6-04 Withdrawn	CSC	90 days
6-29-04	8-17-04 Withdrawn	OHE	2 months
7-20-04	10-26-04 Withdrawn/Settled	CSC	90+ days
8-6-04	Open	CSC	
8-10-04	11-24-2004 Withdrawn	OHE	90 days
8-11-04	1-31-05 Withdrawn	CSC	5 months
8-16-04	Open	OHE	
9-20-04	11-16-04 Withdrawn	CSC	2 months
11-17-04	11-17-04 Dismissed	CSC	1 day
12-7-04	Open	CSC	
12-21-04	1-20-05 Withdrawn	OHE	1 month
12-21-04	2-9-05 Withdrawn	CSC	1.5 months

Note: All closed appeals are “dismissed” by the Commission. In this chart, dismissed appeals have decisions issued by the Commission. Withdrawn appeals are dismissed, because the appellant has asked to withdraw. An appellant will make this request after a settlement with the department, or if the appellant decides to no longer continue with the appeal.

This ordinance was up for discussion at the Commission's Public Hearing. It is referenced on page 5 of this annual report.

Council Bill Number: 114322 Ordinance Number: 120936

AN ORDINANCE retitling and amending Seattle Municipal Code Section 4.04.240, intradepartmental Grievance Procedure, to clarify its application to non-represented and represented employees.

Date introduced/referred: Sep 16, 2002 **Date passed:** Sep 23, 2002

Status: Passed **Vote:** 9-0

Date of Mayor's signature: Oct 2, 2002

Committee: Finance, Budget, Business and Labor **Sponsor:** DRAGO

Index Terms: CITY-EMPLOYEES, ADMINISTRATIVE-PROCEDURES,
PERSONNEL-ADMINISTRATION

References/Related Documents: Amending: Ordinance Number 107790

Text

AN ORDINANCE retitling and amending Seattle Municipal Code Section 4.04.240, Intradepartmental Grievance Procedure, to clarify its application to non-represented and represented employees.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Seattle Municipal Code Section 4.04.240, Intradepartmental Grievance Procedure, Ordinance 107790, is hereby retitled and amended as follows:

4.04.240 ~~Intradepartmental~~ Employee Grievance Procedure

A. The Personnel Director shall establish rules for the presentation of non-exempt employee grievances in succession, to an employee's immediate supervisor, to the division manager, and to the head of the department for a written decision if necessary.

~~Grievances pursued beyond the employee's immediate supervisor must be submitted in writing in a timely manner.~~

B. The Director may advise and assist the head of a department in resolving a grievance, and shall seek consistency of treatment of like grievances among the several departments, offices, boards and commissions of the City.

C. ~~By submitting a grievance to the binding arbitration provided by a collective bargaining agreement, the employee waives his/her right to initiate a grievance procedure under this section.~~ An employee who is represented under the terms of a collective bargaining agreement between the City and an authorized bargaining unit

may use the employee grievance procedure authorized herein in lieu of the grievance procedure provided by his or her collective bargaining agreement only when the collective bargaining agreement does not include provisions governing the action the employee wishes to challenge. In no event shall an employee submit the same grievance under more than one recognized grievance procedure.

Section 2. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code

Section 1.04.020.

Passed by the City Council the ____ day of _____, 2002, and signed by me in open session in authentication of its passage this ____ day of _____, 2002.
_____ President _____ of the City Council

Approved by me this ____ day of _____, 2002.

Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2002.

City Clerk

July 24, 2002

version #2

Note: Underlined text represents additions to the previous ordinance.

2004 CIVIL SERVICE DESIGNATIONS

The City's Personnel Director recommended the following designations through salary ordinances in 2004:

Fourth Quarter ("4Q04 Salary Ordinance"):

- Legislative Department, one Administrative Specialist 1 designated to Management Systems Analyst-exempt
- Office of the Hearing Examiner, reallocated one Paralegal to an Administrative Specialist II, non-exempt

Third Quarter ("3Q04 Salary Ordinance"):

- Department of Executive Administration, one IT Professional B to IT Professional A-exempt
- Legislative Department, one Administrative Support Supervisor to Administrative Staff Assistant-exempt and one Administrative Specialist I to Research and Evaluation Assistant-exempt
- Seattle Transportation Department, one Administrative Specialist I, to Administrative Specialist II-exempt

Second Quarter ("2Q04 Salary Ordinance"):

- City Light, one IT Professional B to IT Professional A-exempt

First Quarter ("1Q04 Salary Ordinance"):

- Department Of Executive Administration, one IT Professional B to IT Professional A-exempt
- Department of Planning and Development, returned one Planning and Development Specialist to non-exempt status

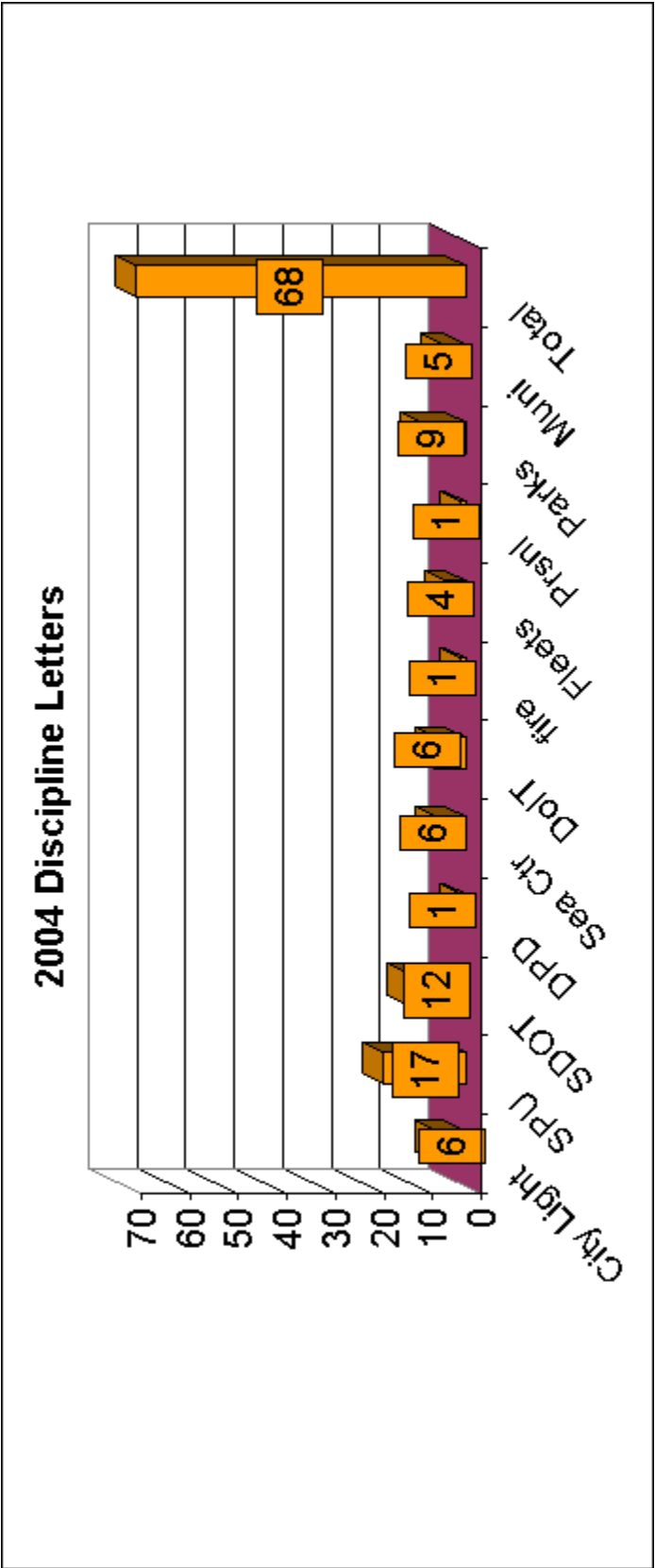
**SUMMARY OF USE OF CITY ATTORNEYS BY DEPARTMENTS
(JANUARY 2003-SEPTEMBER 2004)**

Department:	Total Appeals Received	Appeals w/ City Attorney	Percentage (%) of Appeals using Attorneys
DEA	5	1	20%
Do-It (Information Technology)	3	2	66%
Fire	1	0	0%
Fleets	3	1	33%
Human Services/Housing	6	2	33%
Legislative	2	2	100%
Light	22	8	36%
Municipal Court	9	0	100%
Parks	11	2	18%
Personnel	2	2	100%
Planning & Development (DCLU)	9	4	44%
Police	5	3	60%
PSCSC (Public Safety)	2	0	0%
SDOT (Transportation)	13	3	23%
Seattle Center	4	3	75%
SOCR (Civil Rights)	1	0	0%
SPU (Public Utilities)	8	2	25%
Totals:	106	35	33%

2004 DISCIPLINARY LETTERS BY DEPARTMENT

THE CHART BELOW REPRESENTS DISCIPLINE LETTERS RECEIVED BY THE COMMISSION FROM CITY DEPARTMENTS, IN 2004.

City Light	SPU	SDOT	DPD	Sea Center	Do-IT	Fire	Fleets	Personnel	Parks	Municipal Court	Total
6	17	12	1	6	6	1	4	1	9	5	68



**CITY OF SEATTLE CIVIL SERVICE COMMISSION
2004 YEAR END CASE STATUS REPORT**

BEFORE THE CIVIL SERVICE COMMISSION:

CASE #	DEPT.	FILED	RULE OR CODE	ISSUE	APPEAL SUMMARY	STATUS
04-04-016	Fleets	12-21-04		Layoff	Appellant alleges layoff action taken is instigated by appellant's immediate supervisor, and supervisor is motivated by intention to retaliate against appellant. 1st pre-hearing conference scheduled for February 9, 2005.	John H. Chun, CSC Hearing Officer
04-03-010	DPD	08-11-04		Reclass	Appellant alleges she was reclassified to another position. Her former position was reassigned. She was told she did not pass the probationary period in the "new" position she was assigned to. 1 st Prehearing scheduled for September 14, 2004. Hearing scheduled for January 20, 2004.	Gary McLean, CSC, Hearing Officer
04-01-008	Light	08-06-04	Pers Rule 1.3 Progress-Discipline	Discharge	Appellant alleges Superintendent's action inequitable, in bad faith, unjustifiable and w/ out cause and based upon an incomplete and improper investigation. Allegations do not support termination of employment as an appropriate level of discipline. Pre-hearing order sent October 28, 2004.	Gary N. McLean, CSC, Hearing Officer

CSC APPEAL NUMBERING SYSTEM KEY	
00-00-000=Year Filed (first two digits)-Issue of appeal (second two digits)-Sequential Number/Order Received (Last three digits)	
Issue of Appeal:	
1= Dismissal, demotion or suspension	2= Discrimination. Protected Class
leaves, classification or compensation	3= Personnel Rule Violation; re: benefits, entry, promotion, reinstatement or lay-off

**CITY OF SEATTLE CIVIL SERVICE COMMISSION
2004 YEAR END CASE STATUS REPORT**

Delegated to the Office of the Hearing Examiner:

CASE #	DEPT.	FILED	RULE OR CODE	ISSUE	APPEAL SUMMARY	STATUS
04-03-001	Sea Center	02-24-04	Pers Rule 3.7, SMC 4.20.320	Merit Leave Award	Merit leave was not administered in accordance with established laws, rules and procedures. The Department has sited a conflict of interest in using a Commission hired Hearing Officer. Commission reviewed and discussed the Departments' challenge and assigned the appeal to the Office of the Hearing Examiner, for fact-finding and hearing. Fact-Finding hearing set for June 17, 2004. Continued to July 21, 2004. Findings of Fact issued by the OHE August 3, 2004. Finding of Facts reviewed and affirmed with modifications by the Commission on October 20, 2004. Appeal delegated to the OHE. The department filed a Motion to Dismiss. The OHE heard arguments on the motion 12/16/04 and granted the motion on 12/22/04. Motion goes to the Commission for consideration.	OHE
04-01-009	DEA	08-10-04		Suspension	Appellant alleges the severity of the penalty is not justified by current conditions. Hearing continued until February 2, 2005.	OHE
04-01-011	DoIT	08-16-04	Pers. Rule 4.1.1 M	Discharge	Appellant does not believe she was on probation at time of discharge. Hearing continued until February 2, 2005	OHE

CITY OF SEATTLE CIVIL SERVICE COMMISSION
2004 YEAR END CASE STATUS REPORT

CASES CLOSED:

CASE #	DEPT.	FILED	RULE OR CODE	ISSUE	APPEAL SUMMARY	STATUS
04-01-015	Parks	12-7-04		Discharge	Appellant alleges termination was made without following Civil Service rules and was not given written notice signed by the dept. Director. Appellant was first notified of rights to appeal after consulting with legal counsel. Appeal was not timely filed, and appellant was intermitted/temporary, therefore had no appeal rights. Dismissed with prejudice.	CSC Issued Dismissal Order 12/15/04
04-01-013	DoIT	11-17-04		Whether discharge was for justifiable cause.	Appellant alleged the reasons for termination were never brought to his/her attention prior to termination. Reasons listed in termination recommendation are false. CSC sent letter acknowledging receipt of appeal on 11/17/04. Appellant was probationary at time of discharge. No appeal rights with CSC	Dismissal letter Sent 11/17/04
04-01-012	SDOT	09-20-04		Whether discharge was for justifiable cause.	Appellant believes that she has been aggressively disciplined over the years. 1 st Pre-hearing set for November 17, 2004. Appellant withdrew appeal November 16, 2004.	CSC Issued Dismissal Order 11/17/04
04-01-014	SMC	11-9-04	Pers. Rule 1.3.7	Termination	Appellant alleged the Municipal Court unfairly terminated him. Appellant used the Union grievance process. Appellant did not prevail. Appellant notified that he could not appeal to the CSC if not satisfied with the outcome of the union grievance process.	Letter sent 11/10/04
03-01-011	PRSNL	10-09-03		Discharge	Appellant alleged she was not afforded progressive discipline, warning or other reprimand or correction or opportunity to correct conduct. 1 st Pre-hearing conference set for November 12, 2003 with Gary McLean presiding. Pre-hearing Continued until November 20, 2003. Withdrawal and substitution of counsel, December 23, 2003. Withdrawal and substitution of counsel, March 3, 2004. Pre-hearing Continued to September 14, 2004. Hearing scheduled for December 2, 2004. Appellant withdrew appeal November 23, 2004.	CSC Issued Dismissal Order 11/24/04

**CITY OF SEATTLE CIVIL SERVICE COMMISSION
2004 YEAR END CASE STATUS REPORT**

CASES CLOSED:

CASE #	DEPT.	FILED	RULE OR CODE	ISSUE	APPEAL SUMMARY	STATUS
04-01-003	DPD	03-23-04	Personnel Rule 4.04; 4.04.070 <c>; 4.04.180(A)1, 3,4; 4.04. (D), 1,3,4; 4.04.230(B); 4.04.230(F) 1,2,3; 4.04.260(A), (B) 1	Whether appeal rights were properly conveyed to appellant, in accordance with established law.	Appellant received a written decision re proposed suspension from Dept. Director. Dept. failed to notify appellant in writing of right to appeal to CSC, and 20-calendar day limit to appeal decision. 1 st pre-hearing scheduled for May 20, 2004. 2nd Pre-hearing continued to July 21. Hearing continued to September 20, 2004. Jennifer S. Divine, CSC, Hearing Officer issued decision on October 7, 2004.	CSC Issued Dismissal Order 11/23/04
04-05-004	Sea Center	04-14-04	SMC 4.04.070 (B)(D)(I) and SMC 4.04.180(A)1, 4, & [C]	Whether evaluation was performed in accordance with established laws, rules and procedures.	Appellant received evaluation for the period ending 12/31/03. Appellant believes report is inaccurate, unduly critical, and failed to evaluate the work performed for the period involved as required by SMC. Department alleges internal processes not followed and issue not in the Commission's jurisdiction. Letters sent to both parties asking for arguments regarding their positions. Arguments due June 11, 2004. Commission reviewed and considered arguments 4/28, 5/26, 7/21. Appeal dismissed.	CSC Issued Dismissal Order 10/26/04
04-01-007	SDOT	07-20-04		Suspension	Appellant alleges department did not follow progressive discipline. 1 st Pre-hearing scheduled for September 14, 2004. Appellant withdrew appeal October 26, 2004.	CSC Issued Dismissal Order 10/26/04

**CITY OF SEATTLE CIVIL SERVICE COMMISSION
2004 YEAR END CASE STATUS REPORT**

CASES CLOSED:

CASE #	DEP T.	FILED	RULE OR CODE	ISSUE	APPEAL SUMMARY	STATUS
03-01-007	SPD	09-29-03		Discharge	Alleges probationary discharge w/ out oral, written notice through progressive discipline or evaluation/no evaluation in six years of employment. 1 st Pre-hearing conference set for October 29, 2003 with Gary McLean presiding. Briefing to determine jurisdictional issues, to be completed Monday, December 22, 2003. Hearing Officer is reviewing past cases, for precedent. CSC Hearing Officer, Gary McLean issued decision on October 7, 2004. The Commission affirmed the Hearing Officers decision at its October 20, 2004 meeting.	CSC Issued Dismissal Order 10/21/04
04-04-002	City Light	03 -04-04	Pers Rule 4.1	Promotional Exam Process	Appellants (6) feel recent promotional exam did not follow City Personnel rules and was biased towards day shift workers. The appellants have identified Solomon Adams as their representative. 1 st Pre-hearing scheduled for April 27, 2004. 2 nd Pre Hearing scheduled for July 19, 2004. Office of the Hearing Examiner Issued Findings and Decision 08/02/04	Office of the Hearing Examiner Issued Findings and Decision 08/02/04
04-01-006	DPD	06-29-04	SMC 4.04.20 ADA Policy Pers Rules numbers: 1.3.3C3,4,5 ; 1.2.4B1,1,2 3; 1.3.6A1	Suspension	Appellant alleges the department failed to provide uniform treatment and to a disability accommodation. Appellant withdrew appeal August 17, 2004.	OHE Issued Dismissal Order 08/17/04

**CITY OF SEATTLE CIVIL SERVICE COMMISSION
2004 YEAR END CASE STATUS REPORT**

CASES CLOSED:

CASE #	DEPT.	FILED	RULE OR CODE	ISSUE	APPEAL SUMMARY	STATUS
04-01-005	Fleets	04-30-04		Suspension	Appellant is to submit further details-(a complete appeal form) regarding the appeal. 1 st Pre-hearing scheduled for July 6. Appellant withdrew appeal.	CSC Issued Dismissal Order 07/06/04
03-03-007	SCL	8/19/03		Suspension	Pre-hearing set for October 17, 2003. Hearing set for December 2, 2003, rescheduled to January 13, 2004. Continuance to April 6, 2004. Appeal assigned to Commissioner Cunningham for review. The OHE issued Findings and Decision on April 13, 2004. Appellant sent a petition for review of the decision on April 23. The Petition for Review and findings and decision considered at the June 23 Commission meeting. The commission unanimously voted to affirm the decision of the Hearing Examiner. Appeal dismissed.	CSC Issued Dismissal Order 07/08/04
03-01-008	Parks	9/29/03		Demotion	Appellant demoted for failure to follow cash handling procedures and ineffective management of staff cash handling. 1 st Pre-hearing conference set for November 12, 2003 with Gary McLean presiding. Hearing scheduled for March 4 and 5, 2004, rescheduled for May 2004. Appellant withdrew appeal.	CSC Issued Dismissal Order 05/20/04
03-01-012	City Light	11/12/03		Suspension	Appellant alleges one-day suspension was without just cause. Hearing scheduled for March 9, 2004. Decision issued by the OHE (3/29/2004) and assigned to Commissioner Ford for review. Commissioners voted to affirm HE decision. Appeal Dismissed.	CSC Issued Dismissal Order 05/06/04

**CITY OF SEATTLE CIVIL SERVICE COMMISSION
2004 YEAR END CASE STATUS REPORT**

CASES CLOSED:

CASE #	DEPT.	FILED	RULE OR CODE	ISSUE	APPEAL SUMMARY	STATUS
03-03-010	HSD	10/3/03	Pers. Rule 3.5.4 Out-of-Class	Compensation	Appellant alleges she did not receive due compensation for working out of class in a senior level position. 1 st Pre-hearing conference set for December 9, 2003 with Jennifer Divine presiding. Appellant withdrew appeal.	CSC Issued Dismissal Order 02/04/04
02-01-002	Parks	1/31/02	Personnel Rule, 3.2.300 reallocation	Discharge	Dept. alleges Appellant was probationary when discharged. App. contends probation was completed and contests her probationary status. Hearing is set for 3/17/03 in Superior Court. Remanded back to CSC for hearing by Order dated April 10, 2003. Notice of Deposition on 6-25-03. Hearing before the Commission, Commissioner Ford is Presiding Officer on August 11, 2003. Memorandum Decision issued 10/03/2003. Hearing continued until December 18, 2003. Dismissed per appellant request.	CSC Issued Dismissal 01/07/04

PENDING BEFORE A COURT OF LAW:

CASE #	DEPT.	FILED	RULE OR CODE	ISSUE	APPEAL SUMMARY
97-01-006	Seattle Center	3/10//97	Suspension Discharge	Suspended without cause. Claims Last Chance Agreement signed under duress. Discharge without just cause.	Hearing Examiner issued decision on 9/9/97 upholding timeliness on one part of Appellant's motion, but not on another. Court of Appeals remanded case to CSC for review. (CSC believes it does not have jurisdiction over appellant.) Case remains inactive, as Appellant has not pursued since mandate issued by Court of Appeals.
97-01-016	Parks	8/5/97	Suspension Discharge	Lay-off in violation of Pers Rules	Appellant was Intermittent and appeal was not timely filed Superior Court issued order 2/29/00 reversing CSC. Decision entered 8/17/01, reversed and remanded to trial court to consider appellant's petition. Remains in the discovery phase, no trial date set.